

February 14, 2005

4APT-ATMB

Mr. Arthur Williams, Director  
Louisville Metro Air Pollution Control District  
850 Barrett Avenue, Suite 200  
Louisville, KY 40204

Dear Mr. Williams:

We appreciate the opportunity to review the proposed Strategic Toxic Air Reduction (STAR) regulations, and offer the enclosed comments for your consideration. The Environmental Protection Agency Region 4 (EPA) applauds the efforts of the Louisville community in assessing the public health risks from toxic air contaminants and developing a management strategy to reduce those risks. The STAR program regulations proposed in January of this year are an important step toward the improvement of Louisville air quality. The STAR program will evaluate and respond to air toxics risks in order to limit the cumulative impact of these pollutants on the community.

Louisville is a leader among a small number of jurisdictions that are proactively dealing with air toxics issues, and we have been pleased to assist the community in this area. EPA Region 4 looks forward to providing continued technical support as Louisville implements these regulations. We look forward to the lessons that your experience will offer other communities as they work to better manage their air toxics issues.

Please contact me at (404) 562-9326, should you have any questions on our comments.

Sincerely,

Beverly H. Banister  
Director

# **Comments On Strategic Toxic Air Reduction Proposed Regulations - Proposed January 2005**

## **General Comment**

### **Regulation 5.01 General Provisions**

Because the Clean Air Act (CAA Section 116) precludes state and local agencies from adopting or enforcing emission standards or limitations that are less stringent than those in effect under the state or local's implementation plan or under Sections 111 or 112 of the CAA, we suggest the following wording be added to the general provisions to avoid any misunderstanding concerning the applicability of more stringent Federal requirements under CAA Sections 111 or 112 or more stringent State Implementation Plan provisions:

In the event that application of any Louisville Metro Air Pollution Control District regulation results in an emissions standard or limitation that is less stringent than a Federal emission standard or limitation promulgated under Sections 111 or 112 of the Clean Air Act, the Federal emission standard or limitation will apply. In the event that application of any Louisville Metro Air Pollution Control District regulation results in an emissions standard or limitation that is less stringent than an emission standard or limitation in the State or Local Implementation Plan (SIP), the SIP limit will apply.

## **State Implementation Plan Comments**

### **General**

The final SIP revision must identify the specific regulations and their subsections to be approved into the SIP as required under §110 of the Clean Air Act.

### **Regulation 1.07 Excess Emissions During Startups, Shutdowns, and Malfunctions**

**§5.2** Please add at the end of this subsection the following statements for clarity: "The Board Order does not constitute an affirmative defense for violations caused by excess emissions. Any resulting Board Order will not preempt EPA action as appropriate under the Clean Air Act." The purpose of these statements is to clarify for sources that a Board Order does not serve as protection from federal,

**§5.4.2** We recognize that the national ambient air quality standards (NAAQS) presented in Section 5 of Regulation 3.01 appear exactly as listed at the following EPA website: <http://epa.gov/air/criteria.html>. However, it appears that the footnote (#1) for the 24-hour coarse particulate matter (PM10) NAAQS on this EPA website, and also in **§5.4.2** of Regulation 3.01, is incorrectly referenced. Please replace the footnote number of “24-hour” for the PM10 NAAQS in this subsection with a new number and the following, suggested text, “To attain this standard, the 3-year average of the annual 99<sup>th</sup> percentile values at each monitoring site must not exceed 150 ug/m<sup>3</sup>.” This proposed text reflects requirements to calculate the 24-hour PM10 standard as listed in 40 CFR Part 50, Appendix N, §3.2(a).

### **Air Toxics Comments**

#### **Regulation 1.02 Definitions**

**§1.14** Beginning at line 55, should the word “measurement” be replaced by a phrase such as “a pollution control”?

#### **Regulation 5.22 Procedures for Determining the Maximum Ambient Concentration of a Toxic Air Contaminant**

**§5.1** This section indicates that appropriate air models contained in Appendix A or Appendix B of EPA’s *Guideline on Air Quality Models* contained 40 CFR Part 51, Appendix W (*Guideline*), may be used to determine the maximum concentration of a toxic air contaminant. EPA agrees that models listed in Appendix A or Appendix B may be appropriate depending on the site-specific situation. However, EPA has recently revised the *Guideline* removing Appendix B and placing it on EPA’s Support Center for Regulatory Air Models (SCRAM) website under the “Alternative Models” section ( <http://www.epa.gov/scram001/tt22.htm#altmod> ). The reason for this change was to make it easier to keep current the inventory of “alternative models” that were previously listed in Appendix B.

EPA recommends that the reference to “Appendix B” in this section be changed to the “Alternative Models” section on the SCRAM website.